

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FABIAN VAKSMAN,

Plaintiff,

-vs-

ADAM EISENBERG, SUZANNE
HATFIELD, MIKE FINKLE, CITY
OF SEATTLE, et al.,

Defendants.

NO. CV-09-0126-LRS

ORDER OF DISMISSAL

On April 23, 2009, plaintiff Fabian Vaksman filed a pro se Complaint with this Court against the defendants in the above-captioned matter, which are identical parties in NO. CV-07-236-LRS, which case was closed on October 9, 2007. The Court gave Plaintiff specific instructions on December 4, 2007 that he was prohibited from filing any further documents in that case, with the exception of a notice of appeal to the Ninth Circuit. Ct. Rec. 85. Plaintiff filed an appeal and the Ninth Circuit affirmed this Court. Plaintiff has now chosen to file another case with identical parties before this Court.

The Court finds that Plaintiff's Complaint fails to comply with Federal Rule of Civil Procedure 8(a) and fails to state a claim(s) for which relief may be granted.

1 When a complaint is dismissed under section 1915(e), the
2 plaintiff should be given leave to amend the complaint with directions
3 as to curing its deficiencies, unless it is clear from the face of the
4 complaint that the deficiencies could not be cured by amendment. *Noll*
5 *v. Carlson*, 809 F.2d 1446, 1448 (9th Cir.1987)(dismissal for failure
6 to state a claim). The Court finds that the deficiencies herein
7 cannot be cured by amendment. The Court hereby dismisses Plaintiff's
8 action without prejudice.

9 **IT IS HEREBY ORDERED:** Plaintiff's action is **DISMISSED** without
10 prejudice. Plaintiff is hereby prohibited from filing any further
11 documents relating to these parties without first obtaining leave of
12 the Court.

13 **IT IS SO ORDERED.** The District Court Executive is directed to
14 enter this Order, enter judgment accordingly, provide a copy to
15 plaintiff, and **CLOSE THIS FILE.**

16 **DATED** this 12th day of May, 2009.

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18 ***s/Lonny R. Suko***

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20 LONNY R. SUKO
21 UNITED STATES DISTRICT JUDGE
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